

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00395 CRB
Plaintiff,)	[PROPOSED] ORDER EXCLUDING TIME
v.)	FROM NOVEMBER 16, 2005 TO
YOUNG JOON YANG, et al.)	FEBRUARY 1, 2006 UNDER THE SPEEDY
Defendants.)	TRIAL ACT
UNITED STATES OF AMERICA,)	No. CR 05-00447 CRB
Plaintiff,)	
v.)	
MISUK MOORE, et al.,)	
Defendants)	
UNITED STATES OF AMERICA,)	No. CR 05-00613 CRB
Plaintiff,)	
v.)	
CHANG KUN KIM,)	
Defendant.)	

On November 16, 2005, defendants in the above-captioned matter appeared, with

ORDER
CR 05-00395 CRB/CR 05-00447 CRB/CR 05-00613 CRB

1 counsel, before the Court for a status conference. Assistant United States Attorneys Peter B.
 2 Axelrod and Monica Fernandez and Department of Justice Trial Attorney Andrew Kline
 3 appeared on behalf of the United States.

4 Except as set forth in footnote 1, the parties agreed to a continuance of the matter to
 5 February 1, 2006, and a corresponding exclusion of time under the Speedy Trial Act 18 U.S.C. §
 6 3161, to provide defense counsel with sufficient time to obtain and review additional discovery.¹

7
 8 Accordingly, the Court HEREBY ORDERS that the time from November 16, 2005 to
 9 February 1, 2006 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. For the reasons set
 10 forth above, the Court finds that the failure to grant the requested exclusion would deny defense
 11 counsel reasonable time necessary for effective preparation taking into account the exercise of
 12 due diligence. Further, the Court finds the exclusion warranted on complexity grounds, under 18
 13 U.S.C. § 3161(h)(8)(B)(ii), based on the number of defendants (34 charged), the number of calls
 14 on the wire (exceeding 33,000) and the fact that the vast majority of the calls are in the Korean
 15 language. Thus, the Court finds that the ends of justice served by granting the requested
 16 exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the
 17 prompt disposition of criminal cases. The Court therefore concludes that this exclusion of time
 18 should be made under 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv).

19 IT IS SO ORDERED.

20
 21 DATED:

22
 23 February 01, 2006



24
 25 ¹ At the hearing, counsel for defendant Sevin Lee objected to an exclusion of time under
 26 the Speedy Trial Act based on a severance motion that counsel filed that same day. The motion
 27 is set for hearing on December 14, 2005, and defendants Min Young Bang and Young Joo Lee
 have joined the motion. With respect to those defendants, the Court finds that time is tolled
 under the Speedy Trial Act based on the filing of the motions until, at least, the motion hearing
 date. See 18 U.S.C. § 3161(h)(1)(F).

28 ORDER

CR 05-00395 CRB/CR 05-00447 CRB/CR 05-00613 CRB